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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 October 1991, at 3 p.m.

Chairman: Mrs. BADRAN

CONTENTS

Adoption of the rules of procedure (continued)

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The meeting was called to order at 3.20 p.m.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (continued) (CRC/C/L.1)

Rule 33

1. Mrs. SANTOS PAIS said that the Committee's basic role was to make the Convention on the Rights of the Child and its own work better known. It was therefore important that it should publish press releases at the end of each meeting, whether public or private, to give an idea of what had been done and of the decisions which had been taken, for the benefit of all those who had not been present and for the public in general. She therefore proposed that, at the beginning of the sentence, the words "or public" should be added after the word "private". It might also be advisable to publish special press releases on the particularly important questions which the Committee might have considered.

2. Mrs. KLEIN-BIDMON (Secretariat) informed the members of the Committee that the Information Service published press releases for public meetings of all bodies and that it would do so for meetings of the Committee. A press officer was present in the room for that purpose and press releases could be distributed to the members if they so wished. The Information Service should be consulted to find out whether special press releases were possible. She nevertheless pointed out that rule 33 dealt only with cases where the Committee might wish to make public what had been done during a private meeting.

3. Mr. HAMMARBERG said that there was a difference between a press release which was intended to inform the media and all interested persons about what had happened during a private meeting of the Committee and a press release prepared regularly for the media. The problem raised by Mrs. Santos Pais was that of the Committee's relations with the media. While acting in accordance with its mandate as specified in the Convention, the Committee must organize its work in such a way as to arouse interest outside the United Nations system. That was a question which deserved consideration and to which the Committee might return later, but which should not at present prevent it from adopting rule 33 as proposed.

4. Mrs. KLEIN-BIDMON (Secretariat) also pointed out that it would be possible to organize a press conference at the end of each session to inform journalists accredited with the United Nations of the work done by the Committee.

5. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt rule 33 as it stood.

6. Rule 33 was adopted.

Rule 34

7. Miss MASON proposed that the Committee should postpone a decision on rule 34 until it had considered agenda items 8 and 9, which concerned cooperation with the bodies referred to in that rule. The Committee would be in a better position at that time to understand the role of those bodies.

8. Mr. MOMBESHORA said that he did not really see why the first sentence of paragraph 1 stated that the specialized agencies, the United Nations Children's Fund and other United Nations organs should be "entitled to be represented as observers", while the second sentence said that they "might attend" as observers. He requested clarification on that point.

9. Mrs. KLEIN-BIDMON (Secretariat) said that the text of the first sentence was based on that of article 45 (a) of the Convention. The difference in wording pointed out by Mr. Mombeshora was the result of the difference between a public and a private meeting. When a meeting was public, such agencies and organs were entitled to participate as observers, whereas, when the meeting was private, there was a possibility for them to attend and it was up to the Committee to decide whether it wished to invite them to participate in its discussion. The text of rule 34 was actually clearer than that of article 45 (a) of the Convention because it specified that such bodies participated in the work of the Committee "as observers".

10. Mrs. SANTOS PAIS said that article 45 (a) of the Convention reflected an innovative approach, since it provided that the specialized agencies, the United Nations Children's Fund and other United Nations organs would make a significant contribution to the Committee's work. Those bodies were entitled to be represented during the consideration of the reports prepared under the Convention. They could also give expert advice on the implementation of the Convention and submit reports on the way it was being applied in areas within their field of competence. Those three types of activities should therefore also be relected in rule 34 of the rules of procedure. The observer status provided for in the rule might not be enough to enable the bodies in question to contribute effectively to the Committee's work. For that reason, she shared Miss Mason's view that the matter should be discussed with them before a final decision was taken on the wording of the rule.

11. Mr. KOLOSOV said that he was inclined to accept the wording of rule 34 as it stood because it clearly stated which observers could participate in the Committee's work and in which cases they might do so. It should be emphasized that only observer status could be granted to specialized agencies and United Nations organs, since decisions could be taken only by the members of the Committee.

12. The CHAIRMAN drew attention to rule 69 concerning the opportunity for specialized agencies and other United Nations organs to submit reports or provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.

13. Mrs. EUFEMIO said that article 45 of the Convention assigned observers a much more active role than usual. Perhaps the secretariat could give a more exact definition of what "observer" meant in United Nations terminology.

14. Mrs. KLEIN-BIDMON (Secretariat) said that the specialized agencies and United Nations organs with observer status were usually invited to take part in meetings. They could receive basic documentation, provide information and, with the agreement of the Committee, take the floor if they so wished. They were identified in the meeting room by a name-plate.

15. The CHAIRMAN said she took it that observers could participate in discussions, but not in voting or in decision-making. She would like to know whether the words "other United Nations organs" in rule 34, paragraph 1, meant "all other United Nations organs".

16. Mr. MOMBESHORA asked whether observers could attend meetings only when they were invited or whether they could also request to do so.

17. Mr. KOLOSOV said he understood that the Committee could invite an organ to participate in its work either on its own initiative or at the request of the organ in question. That meant that, in the first case, it decided to invite and, in the second, that it was responding to a request.

18. Mrs. KLEIN-BIDMON (Secretariat) said that the other United Nations organs in question were primarily the organs which were competent in the relevant field and which were therefore entitled to participate in the work of the Committee because the matters being considered fell within the scope of their activities. The specialized agencies, for example, the IMF, the World Bank and other United Nations organs, naturally had the right to attend meetings of the Committee if they so wished, although they would not be invited individually. Other interested competent bodies, such as non-governmental organizations, had to be invited by the Committee and it was up to the Committee to decide on that matter.

19. Mr. MOMBESHORA said that he had been thinking mainly of organizations outside the United Nations or even United Nations organs specialized in other fields which might be particularly interested in some of the questions to be considered, but which would not have been invited to take part in the session. He wished to know whether, in such a case, they would have an opportunity to ask to take part in meetings, on the understanding that the Committee was free to decide.

20. Mr. HAMMARBERG said that the discussion related both to the substance of rule 34 and to a procedural matter, namely, whether a decision on the provisions under consideration should be deferred. As to the question of substance, it was probably a matter of determining which specialized agencies and which United Nations organs were likely to be represented at meetings of the Committee: the United Nations Children's Fund, the only organ which had been mentioned by name, would obviously have an important role to play in the Committee's work. The rights of the child were also, to varying degrees, part of the mandate of several other organs, while other bodies, such as the World Bank, might be persuaded to make room for the rights of the child in their programmes if they could participate more extensively in the Committee's sessions. The Committee must also determine how it intended to organize its relations with observers. It could adopt a policy of systematically inviting

all the organs and bodies in question or it could decide to invite to a session or a single meeting those which would be directly concerned with the matter under discussion. Whatever it decided, all those points should be carefully considered and it would be advisable to ask the opinion of the specialized agencies and organs concerned before taking a decision on rule 34.

21. Mr. KOLOSOV said he agreed that it would be better to leave the matter pending, but considered that there could be no doubt about the bodies to which rule 34 referred: the status of the specialized agencies and other United Nations organs derived from the United Nations Charter; UNICEF, which was not a specialized agency, was the United Nations organ most directly concerned with the Committee's work and that was why it had been mentioned by name. Lastly, the words "other United Nations organs" were perfectly clear.

22. Mrs. SANTOS PAIS asked whether the Committee could agree to her original suggestion that it should defer a decision on rule 34 until it had considered other provisions relating to that rule, particularly rule 69, and ascertained the views of the specialized agencies, other United Nations organs and other competent bodies concerning the substance of the matter.

23. The CHAIRMAN said she took it that that was the Committee's intention.

24. It was so decided.

VIII. RECORDS

Rule 35

25. Rule 35 was adopted.

Rule 36

26. Mgr. BAMBAREN GASTELUMENDI, referring to the Spanish version of paragraph 2, said that the words "podrán ponerse a disposición de otras personas" were too restrictive and that the words "o instituciones" should be added after the word "personas".

27. Mrs. BELEMBAOGO said that the same problem arose in the French version and that the agencies should also be mentioned so it would be clear that reference was being made to both natural and legal persons.

28. Mrs. SANTOS PAIS, pointing out that the words "to others" in the English text covered both ideas, asked whether more general wording could be found for the French and Spanish versions.

29. The CHAIRMAN suggested that, in the French and Spanish versions, the words "personnes" and "personas", should simply be deleted, it being understood that the words "d'autres" and "de otros" referred to individuals as well as to institutions.

30. Rule 36 was adopted subject to editorial changes in the French and Spanish versions.

IX. DISTRIBUTION OF REPORTS AND OTHER OFFICIAL DOCUMENTS OF THE COMMITTEE

Rule 37

31. Mrs. SANTOS PAIS drew attention to paragraph 2, which stated that reports and information furnished to the Committee would be distributed to all members and, if the Committee so decided, to members of its subsidiary bodies and to the States parties concerned. She did not think it was necessary to state that the Committee might decide to transmit such reports and information to its subsidiary bodies, since they would be composed of experts from the Committee, who as such would automatically receive all the documentation in question. The same was not true, however, of the States parties concerned.

32. She also suggested that provisions should be added to rule 37 to indicate that documents for general distribution within the meaning of that rule would be distributed to United Nations information centres, where they would be readily available. It should not be forgotten that those centres had close ties to the populations of the countries and regions in which they were located and were therefore in a position to give broad publicity to the Convention on the Rights of the Child and to the work of the Committee. Her proposal would also be a good way of furthering the implementation of article 44, paragraph 6, of the Convention by facilitating the task of States parties that lacked the necessary financial and material resources to make their reports widely available in their own countries.

33. A number of the rights mentioned in the Convention had already been recognized in other international instruments. States parties could not be expected to recapitulate for the Committee on the Rights of the Child all the information provided in the reports they submitted to other treaty bodies in compliance with other instruments. The Committee must be able to consult the relevant parts of such reports and the opinions of the specialized agencies, as well as other information that might help it in its work. In order to facilitate access by the Committee to those sources of information, it would be useful if a documentation room were available to it. She suggested that provisions along those lines should be added to rule 37.

34. Mr. KOLOSOV said those three ideas deserved consideration and he would like to discuss them on the basis of written proposals.

35. The CHAIRMAN asked Mrs. Santos Pais to submit her suggestions in writing to the secretariat, which would distribute the text to members of the Committee.

36. Mrs. KLEIN-BIDMON (Secretariat) said that, in accordance with the resolutions adopted by the Commission on Human Rights in 1991, the secretariat had already taken the necessary steps to ensure that the official documents of bodies established under international human rights instruments were transmitted to all United Nations information centres throughout the world and that those centres gave such documents the necessary publicity as part of their activities. The secretariat was also considering the available options for setting up a documentation room for the Committee, as well as for other treaty bodies, and hoped to find a solution to the problems of space that arose in that context.

37. The CHAIRMAN thanked the representative of the secretariat for those clarifications and suggested that the Committee should defer the adoption of a decision on rule 37 until it had received the text of the changes proposed by Mrs. Santos Pais.

38. It was so decided.

X. CONDUCT OF BUSINESS

Rule 38

39. Rule 38 was adopted.

Rule 39

40. Mr. KOLOSOV drew the Committee's attention to the fifth sentence, which began with the words: "He may also propose ...". He thought it would be more appropriate to say: "He or she may also propose ..." in the English text, since the word used throughout the article was "Chairperson" and not "Chairman".

41. Mrs. EUFEMIO said she thought that it would be appropriate to divide the rule into five paragraphs in order better to highlight the Chairperson's different powers. The first sentence would thus become paragraph 1, the second, paragraph 2, the third, paragraph 3, the fourth, paragraph 4, and the fifth and sixth, paragraph 5.

42. Mrs. SANTOS PAIS pointed out that if the Committee adopted that solution as well as the change suggested by Mr. Kolosov, the fifth paragraph of the English language version would begin with the words: "He or she may also propose ...", whereas the three preceding paragraphs would begin with the words "The Chairperson". It might be appropriate to bring paragraph 5 into line with the others.

43. The CHAIRMAN noted that the Committee agreed with the suggestions made by Mrs. Eufemio and Mrs. Santos Pais.

44. Rule 39, as amended, was adopted.

The meeting was suspended at 4.30 p.m. and resumed at 4.50 p.m.

Rule 40

45. Rule 40 was adopted.

Rule 41

46. Miss MASON proposed that the words "or the Chairperson" should be added between the words "The Committee" and "may limit".

47. Mr. KOLOSOV said he did not believe that that addition was necessary, since rule 39 already gave the Chairperson the right to limit the time allowed to speakers.

48. Mgr. BAMBAREN GASTELUMENDI said that he supported Miss Mason's proposal, since it was up to the Chairperson to limit the time allowed to speakers.

49. Mr. HAMMARBERG said that the Chairperson bore the main responsibility for the orderly conduct of the discussion and that the proposal made by Miss Mason was acceptable.

50. The CHAIRMAN, supporting the argument put forward by Mr. Kolosov, said she did not believe that the proposed change was entirely justified. She suggested that the Committee should adopt rule 41 without change.

51. Rule 41 was adopted.

Rule 42

52. Mr. MOMBESHORA proposed that, in the second sentence, the words "if a speech delivered after he or she has declared the list closed makes this desirable" should be deleted. It was hard to see what the criteria for such "desirability" would be.

53. Mr. KOLOSOV, supported by Mr. HAMMARBERG, said that, in his view, it was essential to provide for the possibility of the exercise of the right of reply after the list of speakers had been closed.

54. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt rule 42 without change.

55. Rule 42 was adopted.

Rules 43, 44 and 45

56. Rules 43, 44 and 45 were adopted.

Rule 46

57. Mr. KOLOSOV said that, for stylistic reasons, it would be better to replace the words "For the closure of the debate" in subparagraph (d) of the English text by the words "To close the debate".

58. Rule 46, as amended, was adopted.

Rule 47

59. Mrs. SANTOS PAIS suggested that the recommended procedure should be simplified by specifying that proposals, amendments or motions submitted were normally handed in writing to the secretariat, thereby making it clear that it was not compulsory to submit written texts.

60. Mr. KOLOSOV proposed that, in the English text, the word "substantive" should be added before the words "proposals, amendments or motions" in order to make it clear that it referred to all those nouns and that procedural motions did not have to be submitted in writing.

61. Mrs. SANTOS PAIS, noting that Mr. Kolosov's proposal was along the same lines as her own, said that she did not press her suggestion.

62. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee decided to adopt rule 47, the English text of which had been amended along the lines indicated by Mr. Kolosov.

63. Rule 47, as amended, was adopted.

Rule 48

64. Mr. KOLOSOV thought that it would be useful to specify which kind of motion would have priority in the event that several motions were submitted.

65. Mr. HAMMARBERG recalled that, according to the usual practice, it was the most radical proposal that was considered first. He nevertheless thought that it was preferable not to include too many precise details in the rules of procedure.

66. Miss MASON said that if, in accordance with the proposed wording, rule 48 meant "subject to the provisions of rule 46", the problem of the order of priority of motions did not arise, since it was dealt with in rule 46.

67. The CHAIRMAN said that, if she heard no objection, she would take it that the Committee wished to adopt rule 48 without change.

68. Rule 48 was adopted.

Rule 50

69. Mr. KOLOSOV, referring to the second sentence of the rule, asked why there was no provision for according permission to speak to two members opposed to the motion.

70. Mgr. BAMBAREN GASTELUMENDI said that he endorsed the comment made by Mr. Kolosov.

71. Mr. HAMMARBERG proposed that the second sentence of rule 50 should be amended to read: "Permission to speak on a motion to reconsider shall be accorded only to two members in favour of the motion and two members in opposition to the motion, after which it shall immediately be put to the vote".

72. Rule 50, as amended, was adopted.

Rule 51

73. Rule 51 was adopted.

Rule 52

74. Mgr. BAMBAREN GASTELUMENDI noted that there was a footnote to rule 51 of the rules of procedure of the Human Rights Committee which said that "The members of the Committee generally expressed the view that its method of work normally should allow for attempts to reach decisions by consensus before voting ...". He therefore proposed that rule 52 of the provisional rules of procedure of the Committee on the Rights of the Child should be amended accordingly or that a footnote should be added, stating that the Committee attempted to reach decisions by consensus before voting.

75. Mrs. SANTOS PAIS said that she supported Mgr. Bambaren Gastelumendi's proposal.

76. The CHAIRMAN, summing up the discussion, proposed that the text of rule 52 should be amended to read "Except when a consensus is reached, decisions of the Committee shall be made by a majority of the members present" or that a footnote should be added indicating that the Committee attempted to reach decisions by consensus and that, where it failed to do so, its decisions were taken by a majority of the members present.

77. Mgr. BAMBAREN GASTELUMENDI said he hoped that the wording of rule 52 did not exclude the possibility of voting.

78. Mrs. KLEIN-BIDMON (Secretariat) said that the Human Rights Committee had never taken a vote.

79. Mr. HAMMARBERG proposed that the Rapporteur should draft the text of rule 52 in the light of the exchange of views which had just taken place in the Committee.

80. It was so decided.

Rule 53

81. Rule 53 was adopted.

Rule 54

82. Mrs. SANTOS PAIS said that the text of rule 54 gave the impression that the Committee could vote only by a show of hands or by a roll-call, whereas rule 14 mentioned the possibility of a secret ballot. The last course should not be excluded, since it was desirable in some situations.

83. The CHAIRMAN pointed out that rule 54 referred to the text of rule 60, which provided for the possibility of a secret ballot.

84. Mrs. SANTOS PAIS said that the text of rule 60 related solely to the adoption of decisions concerning candidates for vacant posts.

85. Mr. HAMMARBERG suggested that the Committee should consider the possibility of voting by secret ballot on substantive matters. It would also be useful if the Committee could vote in a closed meeting.

86. Mgr. BAMBAREN GASTELUMENDI proposed that the following text should be added at the end of rule 54: "A vote shall be taken by secret ballot at the request of two members of the Committee".

87. Mr. HAMMARBERG said that that question had to be considered more thoroughly. The Committee should avoid voting by secret ballot as much as possible, but, in certain difficult situations, some members might not wish to have their views divulged.

88. The CHAIRMAN suggested that the adoption of rule 54 should be postponed in order to enable the members of the Committee to consider it in greater detail.

89. It was so decided.

Rules 55 to 60

90. Rules 55 to 60 were adopted.

Rule 61

91. Mrs. SANTOS PAIS asked whether rule 61 was concerned with the election of the members of the Bureau or the election of other persons.

92. Mr. KOLOSOV proposed, for the sake of greater clarity, that the title of chapter XII should be amended to read: "Election of the members of the Bureau of the Committee".

93. The CHAIRMAN said that the Committee could be called upon to express its views on candidates for vacant posts or on the selection of members of subsidiary bodies.

94. Mr. KOLOSOV said that, in the case of subsidiary bodies, the Committee elected only the members of the Bureau. As to the decision to fill a vacancy in the Committee, the question was whether or not the Committee gave its approval in respect of candidates proposed by States, not one of holding an election, strictly speaking.

95. The CHAIRMAN suggested that the discussion on the question should be postponed until the following meeting.

96. It was so decided.

The meeting rose at 6 p.m.